Churches and Religion Romania

Article 25[1] provides that: 659 793 671

"the Ministry of Religious Affairs shall suspend any decision, instruction or directive, as well as any order (of a church authority) having a church administrative, cultural, educational or a charitable character or pertaining to endowments if it is contrary to the status of the denomination, to the act of its establishment, to public security or public order or morals. The pastoral and circular letters shall be communicated in advance to the Ministry of Religious Affairs." (Italics supplied.)

The religious denominations and their endowments, associations, etc., must submit a full report on their financial situation for approval and verification by the Ministry of Religious Affairs. The law provides that the salaries of clergymen and the officers of the church shall be paid by the State. But, in contrast to the Law No. 1002 of 1936, Article 34 of the Decree No. 177 suggests that these persons are on the same footing with other government employees in all respects. This article reads:

Article 34

Placing on the payroll of the clergymen and officers of the religious denominations shall be done according to the general rules.

The "general rules" of government employment referred to here (Code of Civil Service of 1946) makes clear that everybody who draws salary from the Government treasury enjoys all rights and has all of the duties of a governmental employee.

Several provisions deal with the disposal of property of parishes where a part of the parishioners decided to choose 659 425

[1. Law No. 61, Article 25, 1948 - Analyst]

another denominational jurisdiction. Disregarding the ecclesiastical rules of the denomination, the decree provides that the assets of the parish are transferred to the denomination chosen by the parishioners who leave the parish in proportion to their number as compared with those remaining in the parish. In case 75 percent leave a creed, its entire assets, including the church building, are transferred to that adopted by the parishioners. The implication of this rule is discussed infra under 5. 659 425

The religious denominations may maintain with other countries only such relations as are of a religious nature and they must be carried after approval of the Ministry of Religious Affairs and through the medium of the Ministry for Foreign Affairs. These provisions were intended to interrupt direct contact between the Roman Catholic Church in Romania and the Holy See, required by the dogma and organization of the Roman Catholic Church. 659 648 794

Any direct communication by Catholic prelates in Romania with the Holy See could be brought, in view of these provisions, under the provisions of the Decree of August 12, 1950, on state security which threatens with the death penalty:

a) "Treason to the country, rendering service to the enemy or causing prejudice to the power of the state;

b) Procurement and the transmission of state secrets to a foreign or enemy power;. . ."

Unfortunately, there were several instances in which expulsion or conviction was imposed upon the prelates and minister

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Christians of old rite:	1 diocese
Protestants:	1 bishop and 1 superintendent.

The other religious denominations must each have one central organization.

B. Church Property

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The general Decree No. 177 on religious denominations grants the recognized denominations and their parishes the status of a legal entity. The institutions, orders, congregations, associations and establishments organized by the Church may, however, obtain such status only upon a special petition in a procedure established for granting the legal entity in general. It may also be observed that under the Law No. 54 of 1928 the status of legal entities was recognized automatically to a broad group of churches enumerated therein as national or historical denominations. The Decree No. 177 does not grant to any denomination automatic recognition by virtue of the law. Recognition of any denomination is within the discretion of the government which is not limited in its decision. Consequently, a denomination must petition to be recognized and only if the recognition is granted, it acquires the status of a legal entity.

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The most salient point, however, lies in the expressly state right of the Ministry of Religious Affairs "to verify and control" the inventory of all church property and its budget (Articles 29, 30 of Decree No. 177).

In addition, it may be borne in mind that some churches,

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in particular the Roman Catholic Church, were already deprived of their funds. This was a result of practices supported by legal provisions.

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In the first place, it refers to land. Agricultural land still possessed by the church after the land reform of 1919 was in fact taken away in direct violation of the law.

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Article 8 of Law No. 187 of March 23, 1945, on agrarian reform provided that:

> "agricultural land belonging to monasteries, mitropoles, bishoprics, parishes as well as clerical endowments are excepted, from expropriation, and left in the ownership of the present title holders."

Likewise, certain categories of land, such as vineyards and forests, were generally exempted from expropriation. Nevertheless, most of Catholic landed property, including forests, vineyards, etc., were commandeered early in 1945 and thereafter seized by various "local committees" and, eventually, divided into small holdings. The remainder was seized in its entirety in February 1949 without compensation. This time the Government did not even take pains to issue a decree legalizing the actual seizure.

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The "Sacred Fund" of the Catholic Church (<u>see supra</u>) also lost its value. It was composed almost exclusively of governmental bonds and were given after 1919 to the religious Catholic bodies in Transylvania as compensation for estates expropriated at that time. The terrific inflation of 1944-1947, swept out their value. Then, just before the monetary stabilization of August 14, 1947 government bonds were compulsorily called in and paid for in inflated <u>lei</u>, only an insignificant part of which was exchanged after the monetary stabilization for new currency.

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In this way, most of the material means of the Catholic 651 425
Church for support of its religous, educational and charitable
program disappeared.

These successive expropriations have been applied to [77?]
all religious denominations. However, the Russian Church ("Christians of Old Rite" and the parishes included later on in the Ukrainian Vicariate) was exempted from such measures. If the Romanian Orthodox Church possesses today some material means, these were either granted subsequently by the Government or were transferred by the government from the seized assets of other religious denominations.

C. Church and School

The right to establish and run schools of all kinds 651
granted to all religious denominations by the Law No. 54 of 1928 871
and in particular to the Roman Catholic Church by the Concordat was abolished. The same is true of the right to administer religious instruction in private and public schools. This is the result of a series of decrees.

The first step toward this goal was to suppress the denominational schools and those supported in some way by churches. The Government started by suppressing all foreign schools existing in Romania by Order No. 191,653 (Official Gazette No. 176 of August 2, 1948). Many of these schools were, to a certain extent, connected with the religious denominations.

The next step was a reform of the school system

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subsequently taken by the Government demonstrated that the Decree meant to deprive them of legal protection. The Roman Catholic Church was practically barred from any educational activities and deprived of its funds (see supra III 2, B and C). The expropriation of schools was followed by the disbanding of the Catholic organizations.

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The first step was taken through the Orders of the Cabinet No. 1677 and 1679 (Official Gazette No. 299 of December 25, 1948) by which eleven main associations and endowments and all their branches were suppressed and their assets transferred to the State. The same steps were taken by the Order of the Cabinet No. 1770 (Official Gazette No. 10 of January 13, 1949) against additional eleven Roman Catholic and Reformed non-profit organizations and all their branches.

Order of the Cabinet No. 161 (Official Bulletin No. 48 of February 26, 1949) suppressed also sixteen main religious and professional Catholic associations and all their district branches. Their assets were transferred to the Ministry of Interior.

Finally, the Order of the Cabinet No. 810 (Official Bulletin No. 51 of August 1, 1949) suppressed the existing Roman Catholic Orders and Congregations with all their dependent institution, regardless of the form in which they were organized. Herein were included the eleven congregations and four orders of the Catholic Church in Romania. Only two monasteries for monks and three convents for nuns were excepted where the clerical numbers of the disbanded congregations were allowed to continue their monastic life. Those who were not Romanian citizens were summoned to appear before the local police for arranging the formalities concerning their leaving the country. Those who

To this Church belonged the Ukrainian population of the northern part of Bukovina and of Galicia--which incorporated in the Soviet Union after World War II--and also the Ukrainian and Belorussian population of those provinces. However, the latter population was officially incorporated into the Russian Church by the decree of Emperor Nicholas I in 1839. 175 795

All three Uniate churches in Romania were until now branches of the Roman Catholic Church and after the Concordat was denounced found themselves in a similar position, i.e., without a regulation by law. The members of all three churches experienced a pressure on the part of the government to induce them to "return", so to speak, to the Orthodox Church and to break with the Holy See. The disbandment of the Uniate parishes or rather their transformation into Orthodox parishes was indirectly stimulated by the Order No. 39,380 of the Ministry of Religious Affairs (Official Gazette No. 242 of October 18, 1948). Under the previous decree No. 177 of 1948, if members of a parish select another church they carry with them a part of the assets of the parish proportionate to their number. If 75 percent of the parishioners decide to join another church, the church building is transferred to the newly selected one. The Order No. 39,380 provided that, in counting such members, only the heads of each family are taken into account. Thus the counting was greatly facilitated and expedited. 175 795 659 [425]

No decrees were disclosed dealing especially with the Armenian Uniate Church.

But the Decree No. 358 (Official Gazette No. 281 of December 2, 1948) suggests that the Greek Catholic Church ceased to be a separate ecclesiastic body in Romania and there may be only separate parishes. The Order reads as follows:

Article 1

Subsequent to reverting of the local Greek Catholic Parishes to the Romanian Orthodox Church and in conformity with the Article 13 of Decree 177/1948, its central organization and those provided by its Constitution shall cease to exist.

The Order says that the assets of the Greek Catholic Church shall become the property of the Romanian State, without any compensation, and shall be assigned partly or wholly to the Romanian Orthodox Church or to its various constituent parts.

The Government obviously has made use of the provisions of Article 13 of the Law for Religious Denominations of 1948 to withdraw recognition from this church which, after the denunciation of the Concordat, lacked a definite status.

The wording of this article shows, beyond any doubt, that the Greek Catholic Church has been since July 1948 absorbed by the Romanian Orthodox Church by Administrative Order.

The fate of the Ukranian (Ruthonian) Uniate Church was different. The Concordat of 1927 provided for the establishment of this church of a separate diocese within the Roman Catholic Church with the seat to be designated later. It may be mentioned in this connection that the Uniate churches in Galicia and the northern part of Bukovina-now incorporated in the Soviet Uni.. ..e declared united with the Russian Church